

May 17, 1983

LB 447

PRESIDENT: Senator Cullan, your light is on. Do you want recognition on the point of order? The question has been called for. I'll give Senator Beutler an opportunity to speak if you wish.

SENATOR BEUTLER: Mr. Speaker, I would just like to argue for one brief moment that the President be upheld. So you know what is in 447, recall that 447 has to do with service of process. It was a bill put together by the judiciary branch to go into dozens and dozens of different statutes and to clarify and to relate them and modify them and to update them and to make them all constitutional and they all have to do with service of process, that is how you serve notice on somebody of a lawsuit, the different ways of doing it. In these dozens and dozens of statutes that they have gone into one or two of them accidentally happens to talk about fee and on that basis Senator Chambers wants you to drag in the whole question of court fees into this particular bill and argue that it is germane. But I think clearly now a sense has evolved in this body of what is and what is not germane and certainly a general court reform bill that has to do with one subject, service of process, which doesn't make any changes in regard to any fees anywhere, is not an appropriate bill upon which to try to attach an amendment which again goes back to the oft debated question of fees. I urge you to uphold this...(interruption.)

PRESIDENT: Senator Fowler, do you wish recognition?

SENATOR FOWLER: Mr. President, I'd rise to support Senator Chambers on this motion. I think that he is exactly accurate in indicating that this body has been less than consistent in when it allows something to be germane. First of all, I think we are lenient sometimes in allowing people to put some amendments on and not even raise the germaneness question but even then when we do I think we often rule on it, not on the question of whether it is germane or not, but whether or not we like the amendment or whether we want the issue to come up or whatever and I don't think that this rule should be used or abused in such a way by the membership to limit discussion on issues just because we've heard it again or whatever. It seems to me that certainly if the original amendment, as Senator Chambers pointed out, was germane to a fee bill because it dealt with fees, something dealing with the costs of civil courts would be germane to this bill of civil procedure and if it had been suggested that to pay for the implementation or whatever of this bill that we had to raise the court fees, then certainly everybody including the people pushing this bill would want this amendment to be germane. So I think